

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 250 of 1997

in

SPECIAL CIVIL APPLICATION NO 36 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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MALTIKUTTY K

Versus

LD INSTITUTE OF INDOLOGY

Appearance:

MR AD OZA for Petitioner
MR DEEPAK V PATEL for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE H.L.GOKHALE

Date of decision: 22/04/97

ORAL JUDGEMENT

Admitted. Mr. Deepak V.Patel appears and waives

service of notice of admission. In the facts and circumstances of the case, this LPA is taken up for final hearing to day.

2. The appellant is the original petitioner, who filed Special Civil Application No. 36 of 1986. The said petition was dismissed for default. An application being Misc. Civil Application No.423 of 1997 was filed for restoration. The learned Single Judge did not think it fit to grant application on the ground that strike of advocates cannot be said to be a sufficient cause. In the facts and circumstances of the case, in our opinion, the appeal deserves too be allowed and the order passed by the learned Single Judge is quashed and set aside. The matter is restored to file. The learned Single Judge will decide Special Civil Application No. 36 of 1986 on its own merits. We may say that we are not expressing any opinion on merits. The appeal is allowed with no order as to costs.
